

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DAVID JENKINS,

Plaintiff,

v.

ORDER
06-CV-795A

STEVEN KRUPPNER, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 21, 2009, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendants' motions to dismiss the Second Amended Complaint be granted to the extent that the plaintiff asserts claims against the defendants in their individual capacity under the ADA or Section 504 of the Rehabilitation Act.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendants' motions to dismiss the Second Amended Complaint are granted to the extent that the plaintiff asserts claims against the defendants in their individual capacity under the ADA or Section 504 of the Rehabilitation Act.

The case is referred back to Magistrate Judge Scott for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: October 13, 2009